

underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 602

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Joseph J. Carraro

AN ACT

RELATING TO PUBLIC SCHOOLS; ENACTING NEW SECTIONS OF THE PUBLIC SCHOOL CAPITAL OUTLAY ACT TO CREATE THE PUBLIC SCHOOL MAINTENANCE FUND AND THE EMERGENCY PUBLIC SCHOOL FACILITY FUND; PROVIDING FOR GRANTS TO SCHOOL DISTRICTS FROM THE FUNDS; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public School Capital Outlay Act is enacted to read:

"[NEW MATERIAL] PUBLIC SCHOOL MAINTENANCE FUND--CREATED-- PUBLIC SCHOOL MAINTENANCE GRANT PROGRAM.--

A. The "public school maintenance fund" is created in the state treasury. The fund consists of appropriations, gifts, grants, donations and bequests made to the fund. Income from the fund shall be credited to the fund, and money in the

underscored material = new
[bracketed material] = delete

1 fund shall not revert or be transferred to any other fund at
2 the end of a fiscal year. Money in the fund is appropriated to
3 the council for the purposes of making grant allocations for
4 public school maintenance projects pursuant to Subsection B of
5 this section. Expenditures from the fund shall be made on
6 warrant of the secretary of finance and administration pursuant
7 to vouchers signed by the director of the public school
8 facilities authority.

9 B. To the extent money is available in the public
10 school maintenance fund, upon application by a school district,
11 the council may make an allocation from the fund to the school
12 district for maintenance of school district facilities pursuant
13 to the following criteria:

14 (1) all school districts are eligible to apply
15 for the allocations;

16 (2) no local match is required; and

17 (3) the council shall develop rules that:

18 (a) specify application requirements;

19 (b) specify how applications will be
20 prioritized;

21 (c) ensure that applications and
22 subsequent use of the money allocated are consistent with the
23 school district's preventive maintenance plan; and

24 (d) ensure that the money is expended in
25 the most prudent manner possible."

.165462.1

underscored material = new
[bracketed material] = delete

1 Section 2. A new section of the Public School Capital
2 Outlay Act is enacted to read:

3 "[NEW MATERIAL] EMERGENCY PUBLIC SCHOOL FACILITY FUND--
4 CREATED--GRANT PROGRAM FOR NEW OR EXPANDED SCHOOLS IN HIGH-
5 GROWTH AREAS.--

6 A. The "emergency public school facility fund" is
7 created in the state treasury. The fund consists of
8 appropriations, gifts, grants, donations and bequests made to
9 the fund. Income from the fund shall be credited to the fund,
10 and money in the fund shall not revert or be transferred to any
11 other fund at the end of a fiscal year. Money in the fund is
12 appropriated to the council for the purposes of making grants
13 for new or expanded schools in high-growth areas of the state
14 pursuant to the provisions of this section. Expenditures from
15 the fund shall be made on warrant of the secretary of finance
16 and administration pursuant to vouchers signed by the director
17 of the public school facilities authority.

18 B. Pursuant to guidelines adopted by the council,
19 the council shall identify high-growth areas of the state in
20 which critical overcrowding of existing school facilities is
21 adversely affecting the quality of education.

22 C. The public school facilities authority shall
23 assist school districts containing identified high-growth areas
24 in developing plans for new or expanded school facilities that
25 will alleviate the critical overcrowding.

.165462.1

underscored material = new
[bracketed material] = delete

1 D. After developing criteria for prioritizing
2 needed facilities and to the extent that money is available in
3 the emergency public school facility fund, the council shall
4 approve allocations from the fund for the new or expanded
5 school facilities and, working with the school district, enter
6 into construction contracts for the facilities.

7 E. Allocations from the fund for the construction
8 of new or expanded school facilities pursuant to this section
9 shall be made regardless of the local effort or percentage of
10 indebtedness of the school district; provided that no such
11 allocation from the fund shall be made unless the council
12 determines that the school district has:

13 (1) provided insurance for buildings of the
14 school district in accordance with the provisions of Section
15 13-5-3 NMSA 1978;

16 (2) submitted a five-year facilities plan that
17 includes:

18 (a) enrollment projections;

19 (b) a current preventive maintenance
20 plan that has been approved by the council pursuant to Section
21 22-24-5.3 NMSA 1978 and that is followed by each public school
22 in the district;

23 (c) the capital needs of charter schools
24 located in the school district; and

25 (d) projections for the facilities

.165462.1

underscored material = new
[bracketed material] = delete

1 needed in order to maintain a full-day kindergarten program;
2 and

3 (3) agreed, in writing, to comply with any
4 reporting requirements or conditions imposed by the council
5 pursuant to Section 22-24-5.1 NMSA 1978."

6 Section 3. APPROPRIATIONS.--

7 A. Four hundred million dollars (\$400,000,000) is
8 appropriated from the general fund to the emergency public
9 school facility fund for expenditure in fiscal years 2007 and
10 subsequent fiscal years for the purpose of funding new or
11 expanded school facilities in high-growth areas of the state
12 pursuant to the provisions of the Public School Capital Outlay
13 Act. Any unexpended or unencumbered balance remaining at the
14 end of a fiscal year shall not revert to the general fund.

15 B. Two hundred million dollars (\$200,000,000) is
16 appropriated from the general fund to the public school
17 maintenance fund for expenditure in fiscal years 2007 and
18 subsequent fiscal years for the purpose of making allocations
19 for maintenance of public school facilities pursuant to the
20 provisions of the Public School Capital Outlay Act. Any
21 unexpended or unencumbered balance remaining at the end of a
22 fiscal year shall not revert to the general fund.

23 Section 4. EMERGENCY.--It is necessary for the public
24 peace, health and safety that this act take effect immediately.